

Impact of Cell Phones in the Workplace

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Certification Statement

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Abstract

The problem is the Chesapeake Fire Department (CFD) is experiencing an unprecedented use of cell phones (e.g. mobile phones, Personal Digital Assistants, and Smartphones) in the workplace. Of concern, many of the devices are capable of taking pictures, recording audio and video, connecting to the internet, and sending text messages. Without a policy to guide the appropriate use of these devices, fire department personnel may engage in behaviors that are disruptive and pose a legal consequence. The purpose of this Applied Research Project (ARP) is to examine the impact of cell phones in the workplace and to create a cell phone use policy. For this ARP, the action research method was used to answer the following research questions: (a) how does the use of cell phones impact CFD, (b) what disruptive and legal-consequence behaviors do supervisors face, (c) what do employees perceive as their rights to use cell phones in the workplace, (d) what are the policies of other organizations related to cell phone use, and (e) what impact will a departmental policy on cell phone use have on reducing CFD's liability? The procedure for this research included reviewing relevant literature and conducting surveys of employees and supervisors. The results indicated that cell phones do have a profound impact in the workplace that affects employees, supervisors, and customers alike. The results of the employee and supervisory surveys were consistent with information gathered during the literature review. Recommendations from this research include conducting department wide training on the use of cell phones in the workplace, having the draft policy generated by this research reviewed by the City's Human Resources Department and the City Attorney, and implementing the policy as soon as practical.

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Impact of Cell Phones in the Workplace

Casual observation reveals that cell phones have taken over the way we communicate in the workplace. This should come as no surprise considering the cell phone's advances in technology. Despite their popularity, one must consider whether cell phones are merely a workplace convenience or source of irritation. For instance, an employee attending a business meeting can retrieve data for a budget meeting without leaving the room; however, that same employee can disrupt the budget meeting each time his or her cell phone rings. Arguably, there are pros and cons to cell phone use in the workplace, but it is also important to understand the potential liability that cell phones bring to the workplace.

We live in a litigious society and with organizational liability on the rise, Thompson and Bluvstein (2008) report that "...employee use of technology is resulting in greater rates of employee misuse, discipline for such misuse, and, ultimately, litigation" (p.284). Although the Chesapeake Fire Department has avoided litigation, the department has experienced several near-misses related to cell phone misuse, which can be attributed to the lack of a formal cell phone policy and training related to appropriate use.

The problem is the Chesapeake Fire Department is experiencing an unprecedented use of cell phones (e.g. mobile phones, Personal Digital Assistants, and Smartphones) in the workplace. Of concern, many of the devices are capable of taking pictures, recording audio and video, connecting to the internet, and sending text messages. Without a policy to guide the appropriate use of these devices, fire department personnel may engage in behaviors that are disruptive and pose a legal consequence.

The purpose of this Applied Research Project (ARP) is to examine the impact of cell phones in the workplace and to create a cell phone use policy. For this ARP, the action research method was used, which is defined as “taking action to solve an existing problem and/or to improve performance” (National Fire Academy, 2009, p. II-13). To scale down the size and complexity of the research, the following research questions were used: (a) how does the use of cell phones impact CFD, (b) what disruptive and legal-consequence behaviors do supervisors face, (c) what do employees perceive as their rights to use cell phones in the workplace, (d) what are the policies of other organizations related to cell phone use, and (e) what impact will a departmental policy on cell phone use have on reducing CFD’s liability?

The research was completed by using a combination of literature reviews and surveys. Literature reviews were conducted on cell phone use in the workplace (disruptive behavior), litigation related to the misuse of cell phones (legal-consequence), and organizational best practices (sample policies). Additionally, two separate surveys were used to collect research data. One survey was completed by supervisory personnel to identify disruptive and legal-consequence behaviors, while the other survey was completed by employees to determine perceived rights on cell phone use in the workplace.

Background and Significance

The City of Chesapeake is located in the southeastern portion of the Commonwealth of Virginia. The city covers 353 square miles and is bordered by the cities of Norfolk, Portsmouth, Suffolk, Virginia Beach, and the counties of Camden and Currituck in North Carolina. Since its beginning in 1963, the city has experienced considerable population and economic growth. In 2010, the planning department estimated the city’s population to be 227,689 persons.

Consequently, it's no surprise that Chesapeake is the second largest city in Virginia in terms of land mass, and the third largest city in Virginia in terms of population.

A city this size requires a large metropolitan fire department; consequently, the Chesapeake Fire Department delivers public safety services from 15 fire stations that are geographically divided into districts across the city. District 1 serves the north and northeast portion of the city and is comprised of Fire Stations No. 1, 2, 3, 4, and 14; District 2 serves the south and southeast portion of the city and is comprised of Fire Stations No. 5, 6, 7, 13, and 15; and District 3 serves the western portion of the city and is comprised of Fire Stations No. 8, 9, 10, 11, and 12. These fire stations house 17 engines, three ladders, 13 ambulances, six supervisory vehicles, and three specialty team's worth of equipment. This equipment is paired with over 400 providers that use the equipment to respond to fires, EMS calls, hazardous materials incidents, technical rescue incidents, and natural and man-made disasters.

Providing general services and public safety for over 227,000 citizens requires state of the art equipment and the most advanced technology. Respectively, the City of Chesapeake and Chesapeake Fire Department are no strangers to advancements in technology. In an IBM press release (2009), Bill Sawyer said that "The City of Chesapeake serves as a great example of how cities can take advantage of technology to provide citizens and businesses with a better and smarter place to live." Meanwhile, in March 2010, the fire department became one of the first in Virginia to implement electronic patient care reporting (ePCR). While both are significant achievements, neither organization has been immune from experiencing problems related to misuse of technologies in the workplace.

In 2009, Chesapeake's Information Technology (IT) department had to contend with a computer virus that had been down-loaded onto a city-owned computer and spread throughout the city. An internal investigation revealed that the virus came from a personal thumb drive. To contend with the virus, the IT department had to allocate personnel to service all of the city computers, which negatively impacted other IT projects. Remarkably, no sensitive data was lost or otherwise compromised; however, this close call resulted in the creation of a city-wide electronics use policy that restricted city employees from using personal hardware on city-owned equipment (e.g. thumb drives, laptops).

Recently, the Chesapeake Fire Department had the unenviable task of investigating a sexting incident. Sexting is defined as "the practice of sending sexual images or messages to someone's mobile phone" (MacMillan Dictionary, 2010). The investigation revealed that the recipient of the messages filed a complaint with department officials, and the information contained in the messages help identified the sender. It was determined that the device used to send the messages was a personal cell phone and that some of the messages were sent while the employee was on duty. Following the investigation, the employee was terminated, and as luck would have it, the department avoided litigation.

Looking ahead, employees cell phones are being used to capture photos, video, and audio recordings, which could result in a violation of the Health Insurance Portability and Accountability Act (HIPAA). These pictures often include emergency scenes and some have been posted to social media sites. Recently, this behavior has been publicly condemned as immoral and unethical. Employees also take pictures containing city and/or department logos, equipment, and uniforms. These pictures often end up posted on social media sites as profile pictures. While this may not seem significant, consider a disgruntled employee's profile picture

of a department logo making disparaging remarks about the department he or she works for. Though most organizations have policies that dictate standards of conduct, "...policies alone won't stop all employee misconduct...But policies, combined with training, leadership by example, and consistent enforcement, will help your company make sure that employees are using its electronic resources as the company intends" (Guerin, 2009, pp. 4-5).

This ARP relates directly to Executive Development: Unit 7 Organizational Culture and Change taught as part of the Executive Fire Officer Program. The capabilities of cell phones have grown considerably, and the technology is ever-changing. To ensure policies are up-to-date, organizations must frequently re-evaluate their policies. For most organizations, policy changes are met with resistance, because "People resist change when they are uncertain about its consequences" (Cummings and Worley, 2005, p.159). Not to worry, organizations can overcome this resistance by "...modeling the change process for [their employees]" (Quinn, 1996, p.148).

Based on the alarming number of public safety personnel that are being disciplined, terminated, and incarcerated for inappropriate use of cell phones, this ARP directly relates to the United States Fire Administration's (USFA) Operational Objective: Strategy #5 – "The USFA will respond to emergent issues." While this ARP will not reduce loss of life from fire-related hazards, it does serve to protect the integrity and professionalism of the fire service.

Literature Review

Based on the capabilities of today's cell phone, it was important to establish a method to categorize the information discovered during the literature review. The literature review was separated into three categories: (a) disruptive behavior – behavior that invades the rights of

others or otherwise disrupts the workplace, (b) legal-consequence behavior – behavior that increases organizational liability, and (c) best practices and sample policies.

Disruptive Behaviors

It can be argued that cell phones are not the source of disruptions in the workplace; to be more precise, it's the behaviors of the person using the cell phone. What's worse, these behaviors are affecting employee anger, anxiety, and stress levels. A review of relevant literature uncovered the four most disruptive behaviors in the workplace: (a) annoying ring tones, (b) talking too loudly, (c) interrupting meetings, and (d) inappropriate conversations in public.

Daily, cell phone ringtones disrupt meetings, training sessions, and productivity in the workplace. Depending on the ringtone, it can also be a source of embarrassment for the owner, coworker, or employer. Sadly, the literature review revealed that this is not a new problem. "Since employees started bringing their cell phones to work...coworkers [have been annoyed] with loud ringtones" (Guerin, 2009, p. 133). This claim is further supported by a 2007 Randstad USA survey of workplace pet peeves, which found "loud noises (e.g. speaker phones, loud talkers, cell phone ring tones) to be the fifth biggest workplace pet peeve."

If ringtones weren't distracting enough, many cell phone users have loud conversations, whether they're yelling into their phone because of static or they're reluctant to trust the microphone. According to a 2006 Pew Survey, "eighty-two percent of Americans and eighty-six percent of cell phone users report that they are occasionally irritated by annoying cell phone users who conduct loud conversations in public." Amazingly, the cell phone has blurred the line between personal and public space. Cell phone users in the workplace often seem unaware of the presence of their coworkers. Talking too loudly on a cell phone is disturbing to other people,

and “Eighty-seven percent of Americans in an ABC NEWS “20/20” survey say they encounter that kind of gabbing at least sometimes, and a majority – 57 percent – hear it often” (Cohen and Langer, 2006). Unfortunately, cell phones do not have a mute-feature for the operator.

Answering cell phones or replying to text messages during meetings appears to be an urge that most cannot resist. Even when set to vibrate, most are tempted to investigate the vibration. Apparently, no one is immune from cell phone distractions. “Rudy Giuliani, smack in the middle of a recent speech before the National Rifle Association, stopped his talk and said that he was taking a call from his wife...” (Belson, 2007). As further evidence, “twenty-four percent of cell-using adults report they often feel like they have to answer their cell phones even when it interrupts a meeting...” according to a 2006 Pew Survey.

The topic of cell phone conversations should be kept between the person who initiated the call and the person who received the call. When private conversations occur in public, the “...conversations expose us to what might be called forced eavesdropping” (Ling, 2004, p.140). While in the workplace, coworkers can inadvertently be exposed to sensitive information, such as financial difficulties, health problems, or the challenges of caring for a physically-disabled child.

Legal-consequence Behavior

In contrast to disruptive behavior, an employee engaged in legal-consequence behavior exposes the employer to potential litigation, which could result in substantial fines. Once again, the cell phone does not engage in legal-consequence behavior, rather the person using the cell phone. These behaviors are affecting employer anger, anxiety, and stress levels. The literature reviewed identified the three most common legal-consequence behaviors in the workplace to be:

(a) talking and texting while driving, (b) inappropriate camera use, and (c) sexting and textual harassment.

Most adults are familiar with the acronyms DUI (Driving under the Influence) and DWI (Driving While Intoxicated). The misuse of the cell phone while driving is responsible for the latest acronym, DWD (Driving While Distracted), which includes talking and texting. Distracted driving happens when the operator of a motor vehicle takes his or her eyes off the road to retrieve the phone, dial a number, send a text, or answer a call. It only takes a split-second for an accident to occur with demoralizing results. As reported by Redelemeier and Tibshirani (1997) in the *New England Journal of Medicine*, “The risk of a collision when using a cellular telephone was four times higher than the risk when a cellular telephone was not being used...” (p. 453); consequently, it is not surprising that many employers have considered banning cell phone use while driving company-owned vehicles. There is an ongoing debate whether cell phones should be banned, but a study conducted by Cohen and Graham (2003) found the impact of banning “...the use of cell phones while driving would reduce the number of crash events by approximately 6% ... [which] would translate into the annual prevention of 330,000 total injuries, 12,000 serious to critical injuries, and 2,600 fatalities” (p. 13). Cell phone distractions (dialing, answering, or texting) affect the driver’s ability to focus on driving, and crash data reviewed by the National Highway Traffic Safety Administration (1997) indicates that “The overwhelming majority of cellular telephone users were in the striking vehicle, and struck cars or other large objects that were in clear view of the driver” (Crash Data, paragraph 4).

Due to the prevalence and enhanced capability of cell phone cameras, the potential for inappropriate use is cause for concern among employers. Coupled with the overwhelming popularity of online social media websites, camera phones can be used to post pictures, video,

and audio recordings. Recently, a number of web postings have been in the news, including the story of Dayna Kempson-Schacht. As reported on My Fox Atlanta by Chris Shaw, “Two and a half months after her death, her father got a text message about a video. It’s 30 seconds of up close images of Schacht’s crash, including her dead body.” Occurrences such as these erode public trust, and “The public trusts EMS agencies to protect information about emergency scenes and patients (Ludwig, 2008, p. 36). The use of cell phone cameras can also lead to complaints of harassment or invasion of privacy.

Images of coworkers in private areas such as dressing areas, bathrooms, and locker rooms can be embarrassing and quickly transmitted to countless other people...Moreover, if the employee has a video cell phone, which also records sound, they risk being in breach of federal and state wiretap laws if they record others in the workplace without their knowledge or consent (Chatfield, 2010).

Over the past several years, numerous incidents have led to employee suspensions or firings over the inappropriate and unauthorized dissemination of photographs and video recordings.

Most employers have zero-tolerance policies for harassment in the workplace; however, thanks to the cell phone and its camera, harassment claims are on the rise. As referenced earlier, photographs that are sexually suggestive and sent via cell phone is referred to as sexting, while textual harassment is defined as “the activity of sending text messages to mobile phones which insult or abuse people (MacMillan Dictionary, 2010). Sexting and text messaging in the workplace is rapidly becoming a liability for employers; many have landed in a court of law over inappropriate and offensive texts or photos that are finding their way onto employees' cell phones. “As evidenced by recent court cases, some people will do and say things in text

messages that they might not consider doing or saying in face-to-face situations” (Kohl, 2009). This form of harassment usually leaves a physical trail, which can be retrieved as evidence.

Best Practices

As part of the literature review, policies and procedures related to cell phone use in the workplace were reviewed. While the range of policies covered the entire spectrum of no policy to a complete ban, there were far too few policies to review. Of the 16 jurisdictions in the Hampton Roads Planning District, only three had policies in effect. Two additional jurisdictions had policies in draft that had yet to become policy. This is consistent with an online poll conducted by EMS Magazine where Streger (2007) reported that “More than half of the respondents have no policy whatsoever...”

Policies must also reflect the technology and capabilities of today’s cell phone. Most are capable of texting, emailing, taking pictures, recording video and audio, and updating to social media websites with the touch of a button. Employers must recognize that “Technology can always be misused, either intentionally or accidentally. And because employers are often legally responsible for the acts of their employees, technological developments have exponentially increased the possibility of legal exposure” (Guerin, 2009, p. 2). Consequently, policies must be comprehensive taking into account current and future technology. The policy should also be reviewed annually to keep pace with the rate of technological changes. For policies to be effective, employees must be educated through a formal training process, and employers must “enforce [the] policies with consistent disciplinary action (Flynn, 2009, p.244).

In summary, the literature indicates the disruptive nature of the cell phone in the workplace can be attributed to the lack of cell phone etiquette amongst users. Many of the

annoyances, such as loud ring tones, and inappropriate conversations contribute to employee stress. The literature also suggests that many of the legal-consequence behaviors are directly related to the capabilities of the cell phone and the lack of a formal policy guiding appropriate use. Employers ill-equipped to manage the technology cell phones bring to the work place may "...find themselves drowning in risk as they struggle to manage the use—and curtail the abuse..." (Flynn, 2009, p. 3). And finally, the best policies are written to protect the integrity and reputation of the organization; therefore, policies should include a code of conduct that emphasizes moral and ethical behavior.

Procedures

Research Methodology

Beginning with the end in mind, the objective of the research procedures were to draft a standard operating procedure for the Chesapeake Fire Department to guide acceptable use of cell phones in the workplace. Consequently, the research methodology chosen for this applied research project was action research. The primary focus of this research was to conduct a literature review and to collect data through surveys.

Literature Review

The literature review was initiated at the National Emergency Training Center's-Learning Resource Center (LRC) January 10, 2010. Using the keyword cell phone, there were 206 records identified in the card catalog. Of those 206 records, only 10 records dealt with the use of cell phone technology in the workplace, and three of the 10 records had been added this year. Since most of the records were outdated, the literature was either no longer relevant or of poor quality. Equally frustrating, this author, with the assistance of librarians from the LRC, was only able to

find one research paper related to cell phone use in the workplace. The research paper was published in March 2010 and was written by an Executive Fire Officer (EFO) candidate. Due to alumni privileges, additional research was conducted at Regent University Library using several research databases. The research was conducted between June and September 2010; unfortunately, the results were similar to the results from the LRC; few scholarly articles were found to aid in the research.

To supplement the research conducted at the LRC and Regent University, research was also conducted at Barnes and Noble. With the assistance of a bookseller, three books related to this research topic were identified. Of significance, two were published in 2009. The final research was conducted via the Internet using the Google search engine. Several keywords and phrases were used to identify related research material. The keywords and phrases were: cell phones, cell phone use, cell phone annoyances, cell phone cameras, cell phones and driving, cell phones and texting, cell phone liability in the workplace, cell phones and litigation, cell phones and harassment, cell phones in the workplace, technology in the workplace, cell phone policies, and sample cell phone policy.

Survey Instruments

Two surveys were developed to collect data that was pertinent to this research. A cover letter (Appendix A) was developed and accompanied both survey instruments. The cover introduced the research that was being conducted and gave instructions on completing the survey. The purpose of the first survey instrument was to determine how employees perceived their right to use cell phones in the workplace. The survey consisted of 10 closed-ended questions that required either a yes/no or multiple choice answer (see Appendix B). The survey was developed using the online survey tool, Survey Monkey. The total population defined for

this survey was 1,000, which included 450 employees of the Chesapeake Fire Department and 550 employees from a regional list serv. The recommended sample size for the first survey was 278. Those randomly selected were sent an email on November 24, 2010 with the link to the survey and the cover letter as an attachment. The cover letter informed the participants that the deadline for completing the survey was November 30, 2010 and reassured participants that the survey was being conducted anonymously. Of the 278 surveyed, 260 completed the survey, which equates to a 93.5 percent confidence level.

The purpose of the second survey was to determine what disruptive and legal-consequence behaviors supervisors face. The survey consisted of 10 closed-ended questions that required either a yes/no or multiple choice answer (see Appendix C). The survey was developed using the online survey tool, Survey Monkey. The total population defined for this survey was 190, which included 95 supervisors from the Chesapeake Fire Department, 73 supervisors from the Hampton Roads region and 22 supervisors from the Executive Development class. The recommended sample size for the second survey was 127. Those randomly selected were sent an email on November 24, 2010 with the link to the survey and the cover letter as an attachment. The cover letter informed the participants that the deadline for completing the survey was November 30, 2010 and reassured participants that the survey was being conducted anonymously. Of the 127 surveyed, 97 completed the survey, which is a confidence level of only 76 percent.

Assumptions and Limitations

This author assumes that the research data collected via literature review and surveys is accurate and relevant to the research topic. Furthermore, that survey participants did not attempt to skew the survey data. Of concern, the scarcity of literature relevant to this research topic and

the response rates to the surveys are noteworthy limitations. The response rates to the surveys were below the 95 percent confidence level; therefore, conclusions drawn from these surveys may be questioned.

Results

The action research method was chosen to assess the liability that the Chesapeake Fire Department faced from uncontrolled use of cell phones in the workplace. After posing questions, reviewing literature, and gathering data, this research produced a *draft* standard operating procedure on *Cell Phone & Camera Use* for the Chesapeake Fire Department (see Appendix K).

How does the use of cell phones impact the Chesapeake Fire Department?

The literature review disclosed four disruptive behaviors that impact the workplace; annoying ring tones, talking too loudly, interrupting meetings, and inappropriate conversations in public. The data collected by survey question #6 (see Appendix D) shows the vast majority of employees acknowledge that cell phones are disruptive (Figure 1).

Which of the following do you consider workplace annoyances? Select all that apply:		
Answer Options	Response Percent	Response Count
Loud ring tones	78.8%	205
Inappropriate personal conversations	78.5%	204
Interrupting face-to-face conversation to take a phone	70.0%	182
Interruptions to meetings	85.4%	222
Interruptions to training	87.7%	228
Rudeness to coworkers while talking on the phone	75.0%	195
Rudeness to customers while talking on the phone	87.7%	228
answered question		260
skipped question		0

Figure 1

The review of literature also uncovered several legal-consequence behaviors that included: talking and texting while driving; inappropriate camera use; and sexting and textual harassment. The responses collected from survey question #5 (see Appendix E), corroborates

that supervisors are aware that phone cameras were used inappropriately to take pictures that were later posted to the internet (Figure 2). Cell phones used inappropriately in the workplace expose the Chesapeake Fire Department to greater liability.

Has an employee of your organization ever taken pictures of an emergency scene with a personal cell phone and later posted the image		
Answer Options	Response Percent	Response Count
Yes	45.6%	41
No	54.4%	49
<i>answered question</i>		90
<i>skipped question</i>		7

Figure 2

What disruptive and legal-consequence behaviors do supervisors face?

A survey instrument was developed for supervisors to assist gathering data. The survey consisted of 10 questions and required either a yes/no or multiple choice answer. Question #1 (see Appendix E) asked *does cell phone usage cause distractions in the workplace*. All 97 survey participants answered the question with 78 (80.4%) answering yes, and 19 (19.6%) answering no.

Survey question #2 asked *do cell phone distractions lead to accidents or injuries in the workplace*. Of the 97 responses, 45 (46.4%) agree that cell phones distraction can lead to accidents or injuries in the workplace compared to 23 (23.7 %) who do not (Figure 3).

Cell phone distractions lead to accidents or injuries in the workplace.		
Answer Options	Response Percent	Response Count
Strongly disagree	3.1%	3
Disagree	20.6%	20
Neutral	29.9%	29
Agree	41.2%	40
Strongly Agree	5.2%	5
<i>answered question</i>		97
<i>skipped question</i>		0

Figure 3

The third question of the survey wanted to know if there was *a policy prohibiting the use of cell phone while operating a motor vehicle*. Of the 97 supervisors surveyed, 96 responded. There were 60 (62.5%) that responded yes and 36 (37.5%) that responded no and one participant skipped the question. Due to the number of cases that have been successfully litigated, most employers have taken steps to restrict cell phone use while driving; however, nearly 38 percent of employers surveyed have not been compelled to institute a policy that restricts the use of a cell phone while driving.

Question #4 asked supervisors whether *texting or cell phone conversations had been a source of distraction during training or meetings*. The overwhelming majority of supervisors (88.6%) replied that cell phones were the source of disruption during training and meetings (Figure 4).

Has texting or cell phone conversations been a source of distraction during training or meetings?		
Answer Options	Response Percent	Response Count
Strongly Disagree	0.0%	0
Disagree	4.1%	4
Neutral	7.2%	7
Agree	60.8%	59
Strongly Agree	27.8%	27
answered question		97
skipped question		0

Figure 4

Even more troubling are the results of survey question #5 (Figure 5) considering several recent events have grabbed national attention due to the types of pictures and video and audio recordings that have been posted on social media websites. Just over 45 percent of supervisors responded that an employee had taken a picture of an emergency scene and posted it online, which increases organizational liability.

Has an employee of your organization ever taken pictures of an emergency scene with a personal cell phone and later posted the image		
Answer Options	Response Percent	Response Count
Yes	45.6%	41
No	54.4%	49
answered question		90
skipped question		7

Figure 5

And finally, survey questions #7 and #8 solicit information related to cell phones and harassment in the workplace. Survey participants were asked if *inappropriate cell phone use could lead to harassment* and whether *supervisors had a legal responsibility to report harassment*. Although 91 (95.8%) of those surveyed recognize that inappropriate use can lead to harassment, four (4.2%) did not and another two skipped the question. Similarly, 86 (92.5%) replied that supervisors had a legal responsibility to report cell phone harassment (Figure 6).

As a supervisor, do you have a legal responsibility to report cell phone harassment?		
Answer Options	Response Percent	Response Count
Yes	92.5%	86
No	7.5%	7
answered question		93
skipped question		4

Figure 6

What do employees perceive as their rights to use cell phones in the workplace?

A second survey instrument was developed for employees to assist gathering their data. The survey consisted of 10 questions and required either a yes/no or multiple choice answer. Data collected from survey question #1(Appendix D), establishes the prevalence of cell phones in the workplace. All 260 respondents carry either a personal and/or a department-issued cell phone (Figure 7).

Do you carry a personal or company-issued cell phone in the workplace?		
Answer Options	Response Percent	Response Count
Personal	59.2%	154
Company-issued	8.5%	22
Both	32.3%	84
answered question		260
skipped question		0

Figure 7

The impact of cell phones is influenced by their technological capabilities, and survey question #2 revealed that the majority of cell phones were capable of texting, emailing, taking pictures and recording audio/video (Figure 8). The ever-increasing capability of the cell phone influences the impact in the workplace.

What are the capabilities of your cell phone? Select all that apply:		
Answer Options	Response Percent	Response Count
Phone calls	99.2%	258
Text messaging	95.0%	247
Camera	95.4%	248
Internet access	60.4%	157
E-mail	58.5%	152
Audio/Video Recording	71.9%	187
answered question		260
skipped question		0

Figure 8

Question #3 asked employees if *privacy rights differed between personal cell phones and company-issued cell phones*. Of the 260 surveyed, 255 responded to the question with five skipping the question altogether. There were three response options to this question; 107 replied yes, 115 replied not sure, and 33 replied no.

The next question in the survey asked whether employers have a legal right to restrict cell phone use in the workplace. With all 260 participants responding, 175 (67.3%) acknowledge their rights do not outweigh employer rights.

Employee survey question #5 posed the question *which of the following employer-mandated cell phone restrictions are reasonable*. There were five choices and the participants were instructed to check *all* that applied. A total of 258 responses were recorded with two employees skipping the question (Figure9).

Which of the following employer-mandated cell phone restrictions are reasonable		
Answer Options	Response Percent	Response Count
Prohibit cell phone use while driving a company	92.2%	238
Restrict use of Camera	74.4%	192
Ringers must be turned off (silent or vibrate)	71.7%	185
Cell phone must be turned off while in training or	68.6%	177
Limit the frequency and length of personal phone calls	61.2%	158
answered question		258
skipped question		2

Figure 9

The final question of the survey posed whether *supervisors have a responsibility to monitor the appropriateness of cell phone use*. Figure 10 shows that 178 out of 260 (68.7%) surveyed agree that supervisors are responsible for monitoring the appropriateness of cell phone use.

Supervisors have a responsibility to monitor the appropriateness of cell phone use.		
Answer Options	Response Percent	Response Count
Strongly Disagree	4.6%	12
Disagree	7.7%	20
Neutral	18.9%	49
Agree	52.9%	137
Strongly Agree	15.8%	41
answered question		259
skipped question		1

Figure 10

What are the policies of other organizations?

During the literature review a number of organizational policies and sample policies were reviewed. The scope of the James City County Fire Department's (JCCFD) policy (Appendix F) is limited to the use of department-issued cell phones. The policy establishes acceptable use

guidelines and the consequences for inappropriate use. By comparison, the Virginia Beach Department of Emergency Medical Services' (VBEMS) policy (Appendix G) does not differentiate between department-issued or personal cell phones; therefore, it is assumed that their policy applies to both. Their policy addresses cell phone use while operating vehicles, during emergency incidents, and restricts the use of the camera. Of the three, Norfolk Fire-Rescue had the most comprehensive policy (Appendix H). Their policy referenced personal cell phones and department-issued cell phones. Furthermore, the policy provides guidance on usage, as well as the consequences for unauthorized or improper use.

In addition to organizational policies, two sample policies were reviewed. Both sample policies were drafted by attorneys. The first sample policy is a product of the Page, Wolfberg & Wirth law firm. They provide legal services to EMS, ambulance, medical transportation, and public safety agencies. Their policy (Appendix I) focuses on cellular telephone use before, during, and after a call and on camera use to minimize harassment, avoid HIPAA violations, and to protect patient privacy. The second sample policy is a product of Attorney Lisa Guerin. This policy (Appendix J) was the most comprehensive of the literature review. The policy addresses company-issued cell phones, personal use and security of company-issued cell phones, personal cell phones at work, cell phone use while driving, the use of personal cell phones to conduct business, and comprehensive guidelines for camera use.

What impact will a departmental policy have on reducing CFD's liability?

Literature reviewed for this project disclosed that without a cell phone use policy, CFD will remain exposed to liability. In fact, employer liability for the misdeeds of employees is steadily increasing due to *vicarious liability*, which is defined as liability for the negligent

actions of another person. Consequently, “an employer can be vicariously liable for the actions of an employee if the negligence occurs in the scope of employment” (Neel, 2010). With the risk defined it is understandable that it has become important for employers to establish policies that protect the organization from liability. While policies cannot be created for each every situation, CFD will be in a far better position legally with a policy than without. Flynn (2009) agrees saying “Clearly written and effectively written [policies] can help employers demonstrate to courts and regulators that the organizations has made every effort to manage [cell phone use]” (p. 9).

Additionally, question #6 of the supervisor’s survey asked *as a supervisor, would a cell phone use policy reduce your organization’s liability*. Every participant responded to this question with 21 (21.6%) strongly agree, 41 (42.3%) agree, 24 (24.7) neutral, and 11 (11.3%) disagree. And so, 62 of 97 or 63.9 percent agree or strongly agree that a cell phone use policy would reduce CFD’s liability.

Discussion

This ARP shows the results of the employee and supervisor surveys are consistent with the literature and materials that were reviewed. Many view the cell phone as a modern day convenience that improves productivity in the workplace and allows family to stay connected; however, the literature and surveys corroborate that cell phones are preventing employees from disconnecting leading to stress and oftentimes anger. As the number of annoyances climb, the employees are becoming more vocal. In addition to disruptions in the workplace, the technological advances have been misused exposing the organization to litigation and possibly significant fines. In an attempt to address these issues, some have turned to policies as the answer. The policies range from a complete ban of cell phones in the workplace, to no policy at

all, to everything in between. For the policy to be effective, it must be reflective of the issues being faced by the organization; it must take into account the technological capabilities; and formal training must be provided. “Without formal training that spells out cell phone risks, company rules, and the penalties policy violators face, your policy is likely to meet resistance from employees...” (Flynn, 2009, p. 158).

How does the use of cell phones impact the Chesapeake Fire Department?

Within the context of this research project, the literature review and survey results confirm that cell phones are disruptive and expose the organization to increased risk due to inappropriate use. In fact, 145 out of 260 (56%) employees that responded to the cell phone survey responded that they had witnessed inappropriate use of a cell phone at least once a month. Cell phones frequently interrupt training, meetings, and face-to-face conversations, which most consider rude and inconsiderate. Unfortunately, this trend is moving in the wrong direction, and it is conceivable that poor cell phone etiquette could negatively affect the organization’s reputation.

CFD has also been affected by the social media craze; members are snapping pictures and uploading them onto sites, such as Facebook and MySpace. While many view the social media a way to relax and have fun, the majority have not considered what possibly could go wrong. A picture taken of an accident scene that shows the face of a patient violates HIPAA, and these privacy breaches can result in significant fines.

The literature review and surveys endorse prohibiting phone use while driving; yet, battalion chiefs and field medical officers are provided a department-issued cell phone and they regularly conduct business via the cell phone. The phone has been used in both emergency and

non-emergency response modes. Even though the Commonwealth of Virginia restricts the use of hand-held cell phones, public safety agencies have been provided an exemption. This practice still exposes CFD to vicarious liability, and “[CFD] may be held legally responsible for car crashes caused by a distracted employees talking...while driving” (Flynn, 2009, p. 157).

What disruptive and legal-consequence behaviors do supervisors face?

The survey sent to 127 supervisors provided real data that was evaluated against materials identified in the literature review. Of the 127 that were randomly surveyed, 97 completed the online survey. Although this is far below the 95 percent confidence level desired, the results were consistent with the literature. Overwhelmingly, supervisors agree that cell phones are distracting in the workplace and can lead to accidents or injuries. Even with the prevalence of law suits related to driving while distracted, 36 of 96 supervisors responded that their organization did not prohibit the use of a cell phone while driving.

When surveyed, 91 of 95 (95.8%) supervisors reported that the inappropriate use of a cell phone could lead to harassment, while 86 of 93 (92.5%) felt they had a legal responsibility to report cell phone harassment. Although 95.8 percent and 92.5 percent are respectable percentages, harassment is a zero-tolerance workplace issue. Given the liability of a harassment lawsuit, four to eight percent seems to be a sizable risk for any organization.

What do employees perceive as their rights to use cell phones in the workplace?

Assuming that employees are familiar with their Fourth Amendment rights, they recognize their right to privacy from unreasonable searches and seizures. However, when employees were asked if their privacy rights differed between their personal cell phone and a company-issued cell phone 115 of 255 (45.1%) responded *not sure*, while 107 of 255 (42%)

responded yes, and 33 out of 255 (12.9%) responded no. Although the majority of employees were unsure if their privacy rights differed, 175 of 260 (67.3%) acknowledged that employers have a legal right to restrict cell phone use in the workplace. The vast majority of employees responded that it is reasonable for employers to prohibit cell phone use while driving, restrict camera use, mandate silence or vibrate mode in the workplace, and require them to be turned off for training or meetings. Interestingly, when asked if it was reasonable for employers to restrict personal calls, 158 of 258 (61.2%) responded it was.

What are the policies of other organizations?

A comparison of organizational policy and sample policy was quite revealing. Three organizational policies reviewed for this ARP differed significantly in scope. The JCCFD policy only addressed the use of department-issued cell phones. This policy did not pass the litmus test offered by the literature review and sample policies; however, it may indeed meet the needs of the JCCFD. In this author's opinion, the VBEMS policy did a better job of addressing cell phone use; yet, their policy too fell short of best practices. What impressed this author was the signature page indicating the policy was legally reviewed. This element was consistent with the literature recommendations "...to get a final review from a lawyer to be sure your technology policies are legally sound and up to date" (Guerin, 2009, p. 18). The NFR policy was the most comprehensive and most closely resembled the NOLO and Page, Wolfberg & Wirth sample policies.

What impact will a departmental policy have on reducing CFD's liability?

The literature review and the survey results reveal compelling information related to liability posture. To protect itself from liability, CFD will have to establish a policy on *Cell Phone & Camera Use*. The most significant hurdle will be the ability to create a policy that

reduces liability, applies to *all* members of CFD, and is diligently enforced. This is a classic example of technical problem vs. adaptive challenge. Writing a policy to include the guidance that establishes cell phone etiquette and restricts phone use to minimize legal-consequence behavior is relatively straight-forward; thus, the technical problem. However, when the policy is implemented, success or failure hinges on the first violation of the policy and whether it is enforced; Those that are responsible for enforcing the policy are still part of the 92 percent of Americans that carry a cell phone in the workplace. Implementing this policy will require employees and supervisors alike to move from unlimited access to restricted access. Change requires adaptation, but Heifetz and Linsky (200) state that “People cannot see at the beginning of the adaptive process that the new situation will be any better than the current condition. What they do see clearly is the potential for loss” (p.13).

Recommendations

According to a 2009 Marist Poll, “87% of U.S. Residents say they own a cell phone. Among American with jobs, the figure is even higher with 92% reporting they’ve gone wireless.” So, the cell phone has found its way into the workplace, and it appears it is here to stay. For that reason, the primary recommendation is for CFD to establish a *Cell Phone & Camera Use* policy that addresses department-issued cell phones, personal cell phones, cellular telephone use, and camera use at a minimum. The draft policy created as a result of this research project provides a starting point.

To ensure the policy minimizes CFD’s liability posture and meets the organizations’ needs, it is recommended that members from the fire department, information technology (IT) department, and human resources (HR) department review the policy and provide feedback on its

content, relevancy, and applicability. This is critically important given the rate of technology change in the cellular phone industry. Members from the IT department are likely to be aware of security concerns or technology abuses related to cellular phone technology. Furthermore, members of the HR department are familiar with labor laws as it relates to cell phone use, work-related calls, and overtime. “Employees who make a few work-related calls on the weekend or after hours might be entitled to overtime” (Guerin, 2009, p. 139). They are also familiar with privacy rights of the employee and harassment laws.

Since reducing organizational liability has been a primary focus of this research, it is recommended that CFD obtain a legal review of the *Cell Phone & Camera Use* policy. Since the policy has legal implications and personal implications for employees (disciplinary action up to and including termination), the policy should be legally reviewed prior to implementation. It is important that the policy not be rewritten using legal terms that confuse employees. Implementing a policy that restricts cell phone use will be an emotionally charged issue that will be challenging enough. Even though the policy does not ban the cell phone, the restriction isn’t seen as a change but rather a loss. This is best explained by Heifitz and Linsky (2002) who explain “People do not resist change, per se. People resist loss” (p. 11).

The final recommendation is to conduct department-wide training on the *Cell Phone & Camera Use* policy. Training should be comprehensive emphasizing both appropriate and inappropriate use of cellular telephone technology in the workplace. This includes the dos and don’ts information on disruptive behaviors, cell phone etiquette, talking and texting while driving, camera phone use and textual harassment. The training also provides an opportunity for employees to ask questions and for leadership to address concerns.

A recommendation for future researchers is to consider the diversity of the workforce when preparing surveys to gather data. Oftentimes in the fire service, a policy is written for the masses only to find it may not be applicable to everyone. In this case, the draft policy produced as product of this research did not take into consideration the differences between the 40 hour and 56 hour employees.

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Appendix A: Survey Cover Letter



City of Chesapeake

Chesapeake Fire Department
304 Albemarle Drive
Chesapeake, Virginia 23322
Phone: (757) 382-6297
Fax: (757) 382-8313

November 15, 2010

Survey Participant,

I am enrolled in the Executive Fire Officer Program at the National Fire Academy. I am conducting research for my Applied Research Project (ARP). I am researching the impact of cell phones (e.g. cell phones, Personal Digital Assistants, and Smartphones) in the workplace.

Attached to this email, you will find a link to either a "Cell Phone Survey" or a "Cell Phone Use Survey." When you click on the link, it will direct you to a survey that is managed by Survey Monkey, which is an amazing tool that allows me to collate a lot of data from a lot of people for not a lot of cost. Once you click on the link, there are 10 questions to answer. The questions are straight forward and are either yes/no or multiple choice. The time to complete the survey is less than 10 minutes.

Please complete this survey no later than November 30, 2010. Your responses are an important part of my research, and I assure you that your responses will remain anonymous. If you have questions or you're interested in the survey results, my contact information is included in this letter.

Thank you in advance for participating in this process!

Sincerely,

David C. Long, Lieutenant
Chair, SOP Committee
Chesapeake Fire Department

dlong@cityofchesapeake.net

Appendix B: Cell Phone Survey - Employees

Cell Phone Survey - Employees
1.
1. Do you carry a personal or company-issued cell phone in the workplace? <input type="radio"/> Personal <input type="radio"/> Company-issued <input type="radio"/> Both
2. What are the capabilities of your cell phone? Select all that apply: <input type="checkbox"/> Phone calls <input type="checkbox"/> Text messaging <input type="checkbox"/> Camera <input type="checkbox"/> Internet access <input type="checkbox"/> E-mail <input type="checkbox"/> Audio/Video Recording
3. Do privacy rights differ between your personal cell phone and a company-issued cell phone? <input type="radio"/> Yes <input type="radio"/> Not Sure <input type="radio"/> No
4. Employers have a legal right to restrict cell phone use in the workplace. <input type="radio"/> Strongly Disagree <input type="radio"/> Disagree <input type="radio"/> Neutral <input type="radio"/> Agree <input type="radio"/> Strongly Agree

Cell Phone Survey - Employees

5. Which of the following employer-mandated cell phone restrictions are reasonable?

Select all that apply:

- ☐ Prohibit cell phone use while driving a company vehicle
- ☐ Restrict use of Camera
- ☐ Ringers must be turned off (silent or vibrate)
- ☐ Cell phone must be turned off while in training or meetings
- ☐ Limit the frequency and length of personal phone calls

6. Which of the following do you consider workplace annoyances? Select all that apply:

- ☐ Loud ring tones
- ☐ Inappropriate personal conversations
- ☐ Interrupting face-to-face conversation to take a phone call
- ☐ Interruptions to meetings
- ☐ Interruptions to training
- ☐ Rudeness to coworkers while talking on the phone
- ☐ Rudeness to customers while talking on the phone

7. Are you familiar with the term "Textual" Harassment?

- ☐ Yes
- ☐ No

8. Textual Harassment whether on a personal cell phone or company-issued cell phone can lead to termination of employment.

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☐ Strongly Agree

Cell Phone Survey - Employees

9. How often have you witnessed inappropriate use of a cell phone?

- ☐ Never
- ☐ Rarely
- ☐ Monthly
- ☐ Weekly
- ☐ Daily

10. Supervisors have a responsibility to monitor the appropriateness of cell phone use.

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☐ Strongly Agree

Appendix C: Cell Phone Use Survey - Supervisors

Cell Phone Use Survey - Supervisors
1.
1. Does cell phone usage cause distractions in the workplace? <input type="radio"/> Yes <input type="radio"/> No
2. Cell phone distractions lead to accidents or injuries in the workplace. <input type="radio"/> Strongly disagree <input type="radio"/> Disagree <input type="radio"/> Neutral <input type="radio"/> Agree <input type="radio"/> Strongly Agree
3. Does your organization have a policy prohibiting the use of cell phones while operating a motor vehicle? <input type="radio"/> Yes <input type="radio"/> No
4. Has texting or cell phone conversations been a source of distraction during training or meetings? <input type="radio"/> Strongly Disagree <input type="radio"/> Disagree <input type="radio"/> Neutral <input type="radio"/> Agree <input type="radio"/> Strongly Agree
5. Has an employee of your organization ever taken pictures of an emergency scene with a personal cell phone and later posted the image on a social media site? <input type="radio"/> Yes <input type="radio"/> No

Cell Phone Use Survey - Supervisors

6. As a supervisor, would a "cell phone use" policy reduce your organization's liability?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☐ Strongly agree

7. Can inappropriate personal cell phone use lead to harassment in the workplace?

- ☐ Yes
- ☐ No

8. As a supervisor, do you have a legal responsibility to report cell phone harassment?

- ☐ Yes
- ☐ No

9. Does your organization restrict the use of personal cell phones in the workplace, if so, check all that apply?

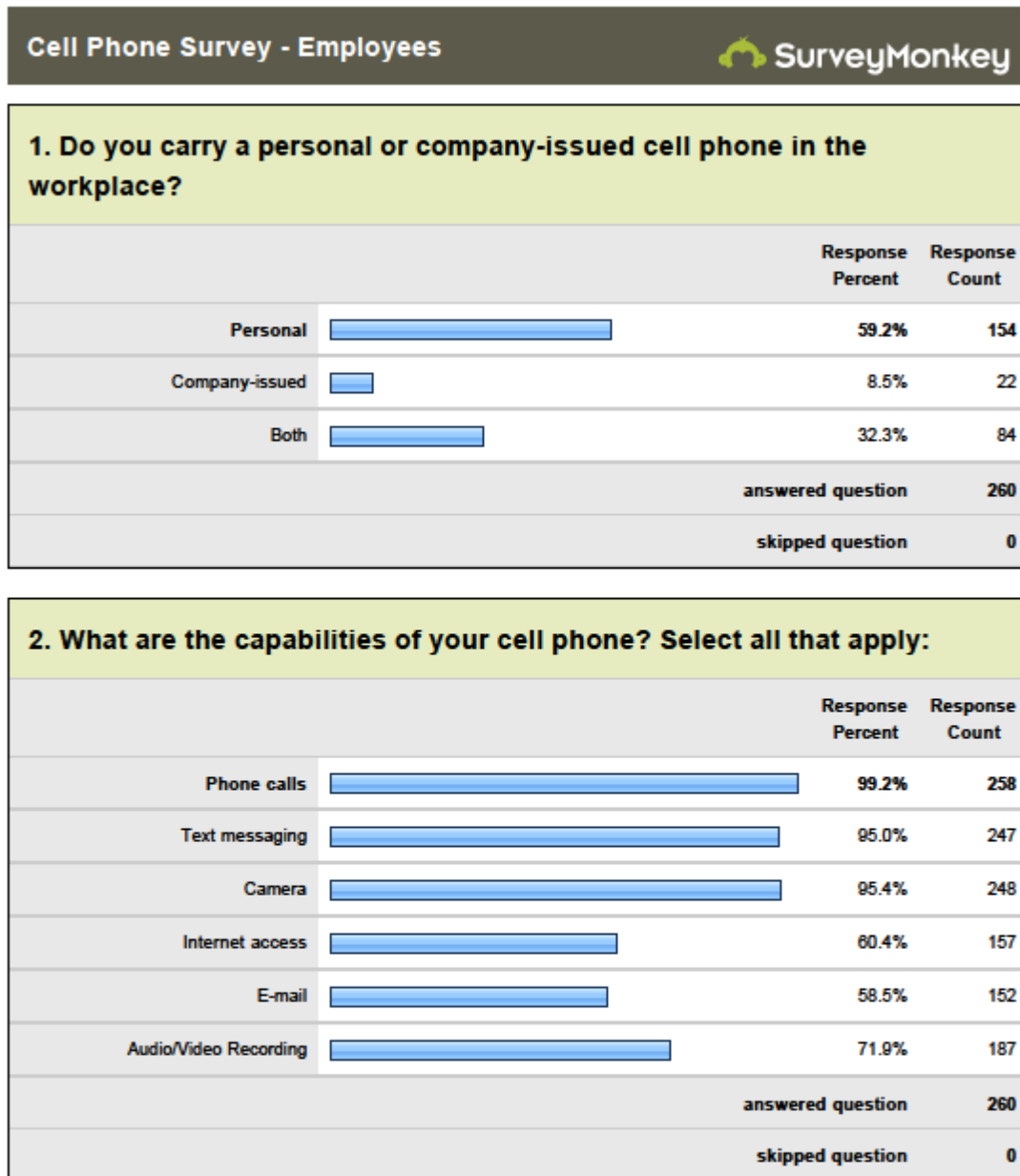
- ☐ No, we do not restrict cell phone use
- ☐ Prohibit cell phone use while operating a motor vehicle
- ☐ Restrict camera use
- ☐ Restrict areas that cell phones are allowed (i.e. bathrooms, locker rooms)
- ☐ Restrict use during training or meetings




Cell Phone Use Survey - Supervisors






10. What is your occupation; please select from the following list:






- ☐ Corporate Business
- ☐ Education
- ☐ Emergency Medical Service
- ☐ Fire Service
- ☐ Health Care (Nurse, Physician)
- ☐ Law Enforcement
- ☐ Local Government
- ☐ State Government
- ☐ Federal Government
- ☐ Other




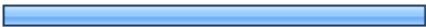



Appendix D: Cell Phone Survey – Employee Results










3. Do privacy rights differ between your personal cell phone and a company-issued cell phone?			
		Response Percent	Response Count
Yes		42.0%	107
Not Sure		45.1%	115
No		12.9%	33
answered question			255
skipped question			5






4. Employers have a legal right to restrict cell phone use in the workplace.			
		Response Percent	Response Count
Strongly Disagree		5.8%	15
Disagree		11.5%	30
Neutral		15.4%	40
Agree		46.9%	122
Strongly Agree		20.4%	53
answered question			260
skipped question			0






5. Which of the following employer-mandated cell phone restrictions are reasonable? Select all that apply:			
		Response Percent	Response Count
Prohibit cell phone use while driving a company vehicle		92.2%	238
Restrict use of Camera		74.4%	192
Ringers must be turned off (silent or vibrate)		71.7%	185
Cell phone must be turned off while in training or meetings		68.6%	177
Limit the frequency and length of personal phone calls		61.2%	158
answered question			258
skipped question			2

6. Which of the following do you consider workplace annoyances? Select all that apply:			
		Response Percent	Response Count
Loud ring tones		78.8%	205
Inappropriate personal conversations		78.5%	204
Interrupting face-to-face conversation to take a phone call		70.0%	182
Interruptions to meetings		85.4%	222
Interruptions to training		87.7%	228
Rudeness to coworkers while talking on the phone		75.0%	195
Rudeness to customers while talking on the phone		87.7%	228
answered question			260
skipped question			0

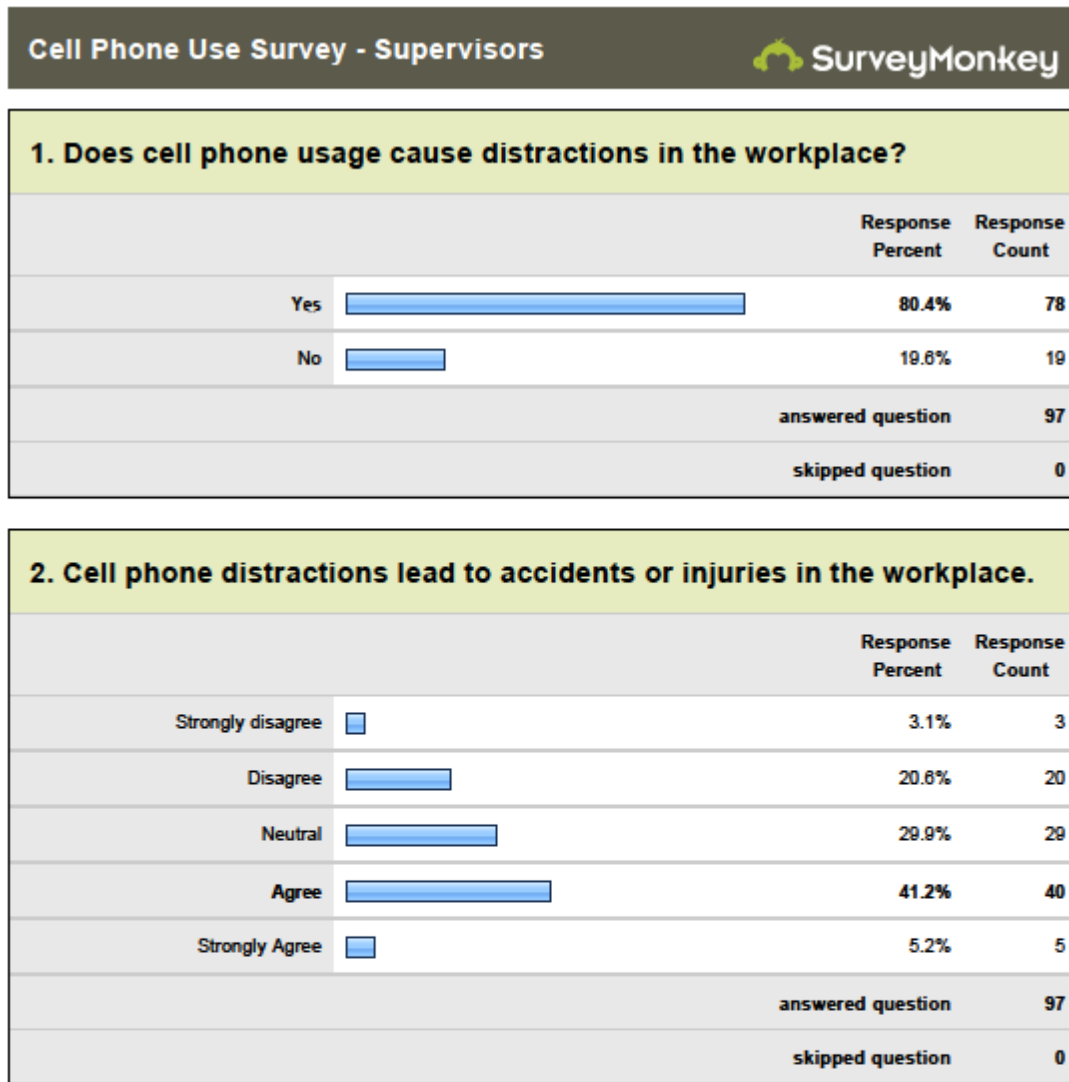
7. Are you familiar with the term "Textual" Harassment?			
		Response Percent	Response Count
Yes		55.6%	144
No		44.4%	115
answered question			259
skipped question			1



8. Textual Harassment whether on a personal cell phone or company-issued cell phone can lead to termination of employment.			
		Response Percent	Response Count
Strongly Disagree		6.6%	17
Disagree		5.0%	15
Neutral		31.6%	81
Agree		35.2%	90
Strongly Agree		20.7%	53
answered question			256
skipped question			4





9. How often have you witnessed inappropriate use of a cell phone?			
		Response Percent	Response Count
Never		3.9%	10
Rarely		40.2%	104
Monthly		14.3%	37
Weekly		23.2%	60
Daily		18.5%	48
answered question			259
skipped question			1



10. Supervisors have a responsibility to monitor the appropriateness of cell phone use.			
		Response Percent	Response Count
Strongly Disagree		4.6%	12
Disagree		7.7%	20
Neutral		18.9%	49
Agree		52.9%	137
Strongly Agree		15.8%	41
answered question			259
skipped question			1





Appendix E: Cell Phone Use Survey – Supervisors Results





3. Does your organization have a policy prohibiting the use of cell phones while operating a motor vehicle?			
		Response Percent	Response Count
Yes		62.5%	60
No		37.5%	36
answered question			96
skipped question			1






4. Has texting or cell phone conversations been a source of distraction during training or meetings?			
		Response Percent	Response Count
Strongly Disagree		0.0%	0
Disagree		4.1%	4
Neutral		7.2%	7
Agree		60.8%	59
Strongly Agree		27.8%	27
answered question			97
skipped question			0










5. Has an employee of your organization ever taken pictures of an emergency scene with a personal cell phone and later posted the image on a social media site?			
		Response Percent	Response Count
Yes		45.6%	41
No		54.4%	49
answered question			90
skipped question			7

6. As a supervisor, would a "cell phone use" policy reduce your organization's liability?			
		Response Percent	Response Count
Strongly disagree		0.0%	0
Disagree		11.3%	11
Neutral		24.7%	24
Agree		42.3%	41
Strongly agree		21.6%	21
answered question			97
skipped question			0

7. Can inappropriate personal cell phone use lead to harassment in the workplace?			
		Response Percent	Response Count
Yes		95.8%	91
No		4.2%	4
answered question			95
skipped question			2

8. As a supervisor, do you have a legal responsibility to report cell phone harassment?			
		Response Percent	Response Count
Yes		92.5%	86
No		7.5%	7
answered question			93
skipped question			4

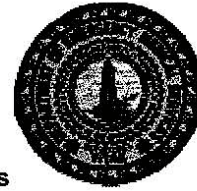
9. Does your organization restrict the use of personal cell phones in the workplace, if so, check all that apply?			
		Response Percent	Response Count
No, we do not restrict cell phone use		38.3%	36
Prohibit cell phone use while operating a motor vehicle		54.3%	51
Restrict camera use		27.7%	26
Restrict areas that cell phones are allowed (i.e. bathrooms, locker rooms)		4.3%	4
Restrict use during training or meetings		35.1%	33
answered question			94
skipped question			3

10. What is your occupation; please select from the following list:			
		Response Percent	Response Count
Corporate Business		7.2%	7
Education		1.0%	1
Emergency Medical Service		8.2%	8
Fire Service		69.1%	67
Health Care (Nurse, Physician)		2.1%	2
Law Enforcement		1.0%	1
Local Government		2.1%	2
State Government		4.1%	4
Federal Government		0.0%	0
Other		5.2%	5
answered question			97
skipped question			0

Appendix F: James City County Fire Depart. Cell Phone Policy

JAMES CITY COUNTY FIRE DEPARTMENT OPERATING GUIDELINE		
	Title	Revised Date: 01/01/02
422	Department Cellular Phones	Effective Date: 04/01/97
Authorized by:	Tal Luton <i>Within 1 hour</i>	
PURPOSE:	Cellular phones are assigned to various staff and emergency vehicles as an additional means of providing effective and secure communications during emergency incidents. This policy will guide the use of department cellular phones.	

1. Cellular phones have been placed on the medic units and engines as a replacement of the APCOR radio system for EMS operations requiring reliable hospital communications.
2. Due to associated airtime costs, the phones should not be used for routine telephone calls. Personnel will continue to use Fire or County Administration radio channels and regular telephones for nonemergency and routine communications.
3. Cellular phones shall routinely be turned off unless making or receiving a call. This is due to recent "pirating" of cellular phone numbers.
4. Cellular communication is authorized for any emergency communication that could be best handled by a telephone link between command or command representatives and the party called.
5. Cellular telephone use is specifically prohibited for personal or private business use.
6. Staff and Station Officers shall be held accountable for any telephone call or unexplained use of the cellular system in station apparatus. Do not give the cellular phone number out except in necessary situations.

Appendix G: Virginia Beach EMS Cell Phone Policy**Virginia Beach Department of Emergency Medical Services**

CAAS # 101.02.03

Index #

Administration**USE OF MOBILE PHONE POLICY**

PURPOSE: The purpose of this policy is to establish a uniform standard for the use of mobile phones for department members.

APPLICABILITY: This policy shall apply to all department members with City or privately owned mobile phones.

POLICY STATEMENT:

All members will comply with Administrative Directive AD 2.05 (Use of Wireless Phones and Services) as amended to ensure proper utilization of Cell phones.

Mobile phones shall not be utilized while operating a vehicle in the emergency mode unless required for operational necessity.

The use of mobile phones while operating in a non-emergency mode is discouraged. The use of hands-free communication devices are encouraged.

Mobile phones shall not be utilized while operating on an incident scene or during ambulance transport unless required for contact with medical control or a supervisor.

Because of the significant possibility of violation of patient privacy, violation of HIPAA, or the potential of workplace harassment, taking or transmitting digital images using a camera-equipped cellular telephone at any time while on duty is strictly prohibited unless it is determined in the ordinary course of departmental clinical and quality improvement processes that digital photography or videography will enhance service delivery, departmental equipment and supporting policies be provided. Such videography shall either be deleted or turned over to the member's supervising Chief Officer once the official need is completed.

USE OF MOBILE PHONE POLICY
Page 2

This policy shall become effective upon the approval of the Chief of Emergency Medical Services.

APPROVED:

Bruce W. Edwards

EMS Chief _____ Date 12/6/2005



LEGAL REVIEW

Signature pending

City Attorney's Office Date

Originated	Revised
12/6/2005	1/1/2008

Appendix H: Norfolk Fire-Rescue Cell Phone Policy

	Operations Procedure		
	NUMBER: OPS-147	EFFECTIVE DATE: December 4, 2009	REVISED DATE:
	SUBJECT: Cellular Telephone Usage		
	APPROVED BY:  Acting Fire Chief		

PURPOSE

To establish rules and guidelines for the use of personal cell phones, and departmental issued cell phones.

SCOPE

This SOP shall apply to all members of Norfolk Fire-Rescue (NFR). This SOP shall supersede any other previous General Order, Special Order, or SOP's of NFR, or the former departments of Norfolk Fire and Paramedical Services, Norfolk Fire Department, or Paramedical Rescue Services on the subject of cellular telephone usage.

PROCEDURES

I. Definitions

- A. Personal cell phone: privately owned cell phone, not paid or reimbursed by NFR.
- B. Bluetooth: Technology used to allow hands-free operation of a cell phone.
- C. Departmental issued cell phone: covers cell phones issued to departmental members because of job position and cell phones assigned to apparatus.

II. General

- A. Personal cell phones.
 - 1. Personal cell phones are not required by NFR.
 - 2. NFR has no responsibility for damage to personal cell phones.
 - 3. NFR has no responsibility for costs associated with the use of personal cell phones.
 - 4. Personal cell phones should not be used for official departmental business when an issued cell phone is available.

NUMBER: OPS-147	SUBJECT: Personal Cell Phones
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5. Personal cell phones shall not be used while operating city equipment.
6. Personal cell phones shall not be used while riding in apparatus unless permission has been given by the officer for a personal or family emergency.
7. Personal cell phone use at emergency incidents is prohibited.

B. Departmental Issued cell phones

1. Use of departmental issued cell phones shall be limited to official departmental business.
2. Cell phone numbers issued to apparatus shall remain confidential. Cell phones numbers issued to members can be released for official business.
3. Cell phones issued to apparatus shall be maintained in a ready state and phone shall be on at all times.
4. Cell phones are subject to damage from abuse, any mishandling of these devices is prohibited. Officers who suspect abuse of departmental cell phones are to report this suspicion to Corporate Communications through the chain of command immediately.
5. Taking pictures of emergency incidents by apparatus cell phones shall be restricted to official documentation only. All pictures shall be considered to be property of the department. Chief Officers and Investigators retain the ability to take pictures as needed in the course of their jobs.

III. Guidelines

A. Cell phone usage shall be governed by the following:

1. The use of cell phones in the station shall not interfere with any duty or responsibility of the member.
2. Cell phones shall not be answered during training and should be on quiet or vibrate mode, except for emergency reasons.
3. Cell phones shall not be used during training, meetings, or any time they will cause a disruption to department business.
4. The use of ear buds or Bluetooth connections while on duty is not allowed.
5. The wearing or use of a personal cell phone at an emergency scene is not allowed.
6. The station officer retains the ability to limit the use of cell phones in the station.
7. The use of cell phones shall not interfere with other members of the station.

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8. Cell phones assigned to apparatus are to be used for official departmental business only.
9. Cell phones issued to individuals, as a condition of their assignments, may be used within the guidelines set by the Fire Chief.
10. Apparatus cell phones are to be charged and on at all times.
11. Department issued cell phones are to be secured and accounted for at all times.
12. The use of cell phones by members while driving city vehicles is prohibited.

IV. Unauthorized or Improper Use of Cellular Telephones

- A. The NFR Administrative Office will closely monitor the use of cellular telephones. Itemized lists of incoming and outgoing calls will be examined on a regular basis for evidence of unauthorized or improper use of any cellular telephones issued by the NFR or installed in fire apparatus and rescue units.
- B. Repeated unauthorized or improper calls will be referred to the fire chief's office for possible disciplinary action.

Appendix I: Page, Wolfberg & Wirth - Sample Policy

SAMPLE POLICY FOR INFORMATION PURPOSES ONLY

ABC Ambulance Service **Cellular Phone and Camera Use Policy**

Purpose: To prevent distractions in the workplace and help ensure the safety and privacy of all personnel and the patients we serve.

Policy: Cellular phone use and use of personal digital assistants (PDAs) while on duty shall be limited to necessary work-related calls made on work-issued phones. Personal use of cell phones – whether personal or company-issued – is only permitted during limited times when work responsibilities are not being performed. Use of personal cameras – whether cell phone cameras, stand-alone cameras, or cameras contained on any other such personal devices – whether digital or conventional film cameras – while on duty or when performing any patient care functions for or on behalf of ABC – is strictly prohibited.

Procedure:

I. Cellular Telephone Use.

- a. Personal cellular telephones are permitted to be carried while on duty, but must be placed on silent mode, and allow voice mail to answer the call. Messages may be checked on “down time” when not actively involved in a call or about to perform or in the process of performing work duties. All personal cell phones must be “intrinsically safe” consistent with the national standards for portable electronic equipment (such as portable radios) carried by emergency service personnel into hazardous environments, and be carried in a safe and concealed area on the person that does not interfere with the physical requirements of the job, will not fall off, or cause others to be distracted by the presence or appearance of the device.
- b. Cellular phones may be used for personal purposes only on a very limited basis, and conversations shall be limited to five (5) minutes. Personal cell phone use must never be cause for delay in responding to a patient or beginning an assignment, and should never be used while completing an assignment.
- c. While attending to a patient or while operating a Company vehicle or aircraft, personnel shall not, under any circumstances, respond to (or make) a personal cellular telephone call, send text messages, or check electronic mail on PDAs or other such devices. The use of these devices is also at all times prohibited while in any aircraft as a passenger or crew member, or while walking near the aircraft.
- d. Personnel are prohibited from using personal cellular telephones or PDAs between the dispatch of a call and the time that the call is cleared. This is to prevent any distractions while engaged in patient care, and to avoid any possible interference with equipment that may occur based upon the cellular activity. Example: Use of a personal cell

SAMPLE POLICY FOR INFORMATION PURPOSES ONLY

phone is prohibited while at the hospital and while getting the unit ready to respond or while completing necessary paperwork. But once all post-run activities at the hospital are completed and the unit is back in service, the personal cell phone may be used if necessary in an appropriate location as long as the use does not delay movement of the vehicle back to base or to the next assignment.

- e. All applicable aviation regulations with regard to the use of electronic devices in flight shall be followed at all times.

II. Camera Use.

- a. Under no circumstances shall any personnel be permitted to use the camera function of a personal cellular telephone while on duty.
- b. Personnel are only permitted to use cameras or other picture taking or image generating devices authorized and issued by ABC while on duty. The company issued devices are intended to be used for medical purposes only such as to document the position of vehicles and patients at the scene of an accident or to document mechanism of injury for use by the receiving facility to assist in guiding treatment. No other picture taking devices including personal electronic devices, PDA's, cameras, or other personal computers (not issued or authorized by ABC for patient care purposes) shall be used by personnel while on duty.
- c. All on-scene photography shall be for clinical and/or documentation purposes only and conducted only at the direction of ABC personnel in charge at the scene or by medical command.
- d. Any photographs containing individually identifiable information are covered by the HIPAA Privacy Rule and must be protected in the same manner as patient care reports and other such documentation.
- e. Any on-scene images and any other images taken by an employee in the course and scope of their employment are solely the property of ABC and *not* the property of the individual staff member. This includes any image inadvertently taken with a staff member's personally owned cell phone camera or other digital imaging device.
- f. No images taken by an employee in the course and scope of their employment may be used, printed, copied, scanned, e-mailed, posted, shared or distributed in any manner without the express, written approval of ABC's Privacy Officer. Example: This prohibition includes posting photos on personal web sites, such as FaceBook or MySpace, or on other public safety agency web sites, or e-mailing images to friends, colleagues or others in the EMS industry.

Appendix J: NOLO Sample Cell Phone Policy

Company-Issued Cell Phones

The Company may issue cell phones to employees whose jobs require them to make calls while away from work or require them to be accessible for work-related matters.

Cell phones issued by the Company are Company property. Employees must comply with Company requests to make their Company-issued cell phones available for any reason, including upgrades, replacement, or inspection. Employees who leave the Company for any reason must turn in their Company-issued cell phones.

Personal Use of Company-Issued Cell Phones

Company-issued cell phones are to be used only for business purposes. Although occasional, brief personal phone calls using a Company-issued phone are permitted, personal use that exceeds this standard will result in discipline, up to and including termination. Employees are expected to reimburse the Company for any costs or charges relating to personal use of their cell phones.

Security of Company-Issued Phones

Employees are responsible for the security of Company-issued cell phones and the information stored on them. Always keep your cell phone with you when traveling; never leave it unattended in your car or hotel room. If your Company-issued cell phone is lost or stolen, notify the IT department immediately. Never store confidential Company information on a cell phone.

When using a cell phone, remember that your conversations are not necessarily private. Those around you can hear your end of the conversation. To protect the confidentiality of Company information (and avoid annoying others), please make cell phone calls in a private place.

Cell phone transmissions may be intercepted. For this reason, employees should not conduct highly sensitive or confidential conversations by cell phone. If you have any questions about what types of conversations are appropriate for a cell phone and which are not, please ask your manager.

Personal Cell Phones at Work

Although our Company allows employees to bring their personal cell phones to work, we expect employees to keep personal conversations to a minimum. While occasional, brief personal phone calls are acceptable, frequent or lengthy personal calls can affect productivity and disturb others. For this reason, we generally expect employees to make and receive personal phone calls during breaks only.

Employees must turn off the ringers on their cell phones while away from their cell phones. If you share workspace with others, you must turn off the ringer on your phone while at work.

Employees must turn off their cell phones or leave their phones elsewhere while in meetings, presentations, or trainings. Employees must also turn off their cell phones or leave their phones elsewhere while meeting with clients or serving customers.

It is inappropriate to interrupt a face-to-face conversation with a coworker in order to take a personal phone call.

Remember, others can hear your cell phone conversations. Try to talk quietly, and save intimate discussions for another time.

Employees who violate this policy will be subject to discipline, up to and including termination.

Don't Use a Cell Phone While Driving

We know that our employees may use their cell phones for work-related matters, whether these devices belong to the employee or are issued by the Company.

Employees are prohibited from using cell phones for work-related matters while driving. We are concerned for your safety and for the safety of other drivers and pedestrians, and using a cell phone while driving can lead to accidents.

If you must make a work-related call while driving, you must wait until you can pull over safely and stop the car before placing your call. If you receive a work-related call while driving, you must ask the caller to wait while you pull over safely and stop the car. If you are unable to pull over safely, you must tell the caller that you will have to call back when it is safe to do so.

Using Your Cell Phone for Business

Our Company's overtime rules apply to any type of work done after hours, including using a Company-issued cell phone to make business calls. All overtime work—including such work-related calls—must be approved in writing, in advance. Working overtime without permission violates Company policy and may result in disciplinary action.

Employees may not use their own personal cell phones to make business calls. If you feel that you need a cell phone to perform your job, please ask your manager to get you a Company-issued cell phone.

Restrictions on Camera Phones and Other Recording Devices

Employees may not bring cameras, video and audio recording devices, or digital devices, such as cell phones, MP3 players, or PDAs that have recording capability, to any of the following areas:

restrooms, locker rooms, the research and development department, and Areas A through D of the plant facility.


Guidelines for Camera Use

Employees who use cameras, camera phones, or other digital devices to capture photos or video on Company property or at Company events must follow these rules:

- 1 Employees may take pictures of other employees, customers, clients, or visitors only with their permission. If you intend to publicize the pictures—for example, by posting them on the Internet, using them in a Company newsletter, or submitting them to a photography contest—you must disclose this to the people whose picture you are taking. If, after taking the pictures, you decide to publicize them in some way, you must obtain permission to do so from the people who appear in them.
- 2 Employees may not take pictures of Company trade secrets or other confidential information. This includes, but is not limited to, the manufacturing line and equipment, specifications for Company products, memos and notes from meetings regarding Company products, all information about products in development, customer lists, and any documents or photographs that have been marked “Confidential: For Internal Use Only.”
- 3 Employees may not take or use pictures to harass, embarrass, or annoy others. All Company policies—including the Company’s policies on harassment, discrimination, and professional conduct—apply to workplace photographs.

If you have any questions about whether it’s appropriate to take a photograph at work or use a workplace photograph in a particular way, please ask your supervisor.

Appendix K: Chesapeake Fire Department – Draft Cell Phone Policy

	Chesapeake Fire Department Standard Operating Procedure Administrative Cell Phone & Camera Use Policy		1.2.1.11
	Effective: 12/30/10	Review: 12/30/12	

Purpose

The purpose of this policy is to regulate the use of department-issued and personal cell phones in order to prevent distractions in the workplace and help ensure the safety and privacy of all Chesapeake Fire Department (CFD) members and the citizens we serve.

Policy

Cellular phone use and use of personal digital assistants (e.g. smartphones, BlackBerries, and other mobile devices), while in the course and scope of their employment (on duty), shall be limited to necessary work-related activity whether provided by the department and/or owned by individual members. Personal use of cell phones is only permitted during limited times when work responsibilities are not being performed.

Use of personal cameras – whether cell phone cameras, stand-alone cameras, or cameras contained on any other such devices – whether digital or conventional film cameras – while on duty or when performing any functions for or on behalf of CFD – is restricted.

This policy applies to all full-time and part-time CFD members. Members who violate this policy are subject to disciplinary action, up to and including termination.

Procedure**I. Department-issued Cell Phones**

- A. Cell phones issued by CFD are department property; consequently, members must comply with requests to make their department-issued cell phone available for any reason (e.g. upgrades, replacement, or inspection).
- B. Department-issued cell phones are to be used for business purposes; however, occasional personal use is acceptable provided conversations are kept brief.
- C. Members are expected to reimburse the department for any costs or charges related to personal use of their department-issued cell phone.

Administrative Cell Phone & Camera Use Policy		1.2.1.11
Effective: 12/30/10	Review: 12/30/12	2 of 4

- D. Members are responsible for the security of the department-issued cell phone; if lost or stolen, promptly notify your immediate supervisor.
- E. Members are prohibited from using department-issued cell phones to operate a business, solicit money for personal gain, campaign for political cause, or promote a religious or other personal cause.
- F. Members are prohibited from using department-issued cell phones to play online games, visit chat rooms, access any pornographic material, or engage in any illegal activity.
- G. Members should have no reasonable expectation of privacy when it comes to business and personal use of the department-issued cell phone.

II. Personal Cell Phones

- A. Personal cell phones are not required by CFD; therefore, members should not expect reimbursement for use.
- B. CFD is not responsible for costs associated with damage to or use of personal cell phones.
- C. Though CFD allows its members to bring their personal cell phones to work, personal conversations should be kept to a minimum. Frequent or lengthy personal calls can affect productivity, disturb others, and can result in disciplinary action.
- D. Overtime rules apply to any type of work done after hours. All overtime work – including work-related calls – must be approved in writing in advance by the member's immediate supervisor.

III. Cellular Telephone Use

- A. Cellular telephones are permitted to be carried while on duty, but must be placed on vibrate or silent mode; allowing for voice mail to answer calls. Messages may be checked on "down time" when not actively involved in a call or about to perform or in the process of performing work duties. All phones should be silenced during business meetings, seminars, conferences, ceremonies, and training.

Administrative Cell Phone & Camera Use Policy		1.2.1.11
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- B. Cell phones should be carried in a safe area on the person that does not interfere with the physical requirements of the job, will not fall off, or cause others to be distracted by the presence or appearance of the device. If carried by members into hazardous (IDLH) environments, all cell phones must be "intrinsically safe" consistent with the national standards for portable electronic equipment (such as portable radios).
- C. Cell phone use must never be cause for delay in responding to a call or beginning an assignment, and should never be used while in the course of patient care except to contact Medical Control if unable to via radio.
- D. While operating on an incident scene or attending to a patient, members shall not, under any circumstances, respond to (or make) a personal cellular telephone call, send text messages, or check electronic mail on PDAs or other such devices.
- E. While on duty, members are prohibited from using language that is obscene, discriminatory, sexually suggestive, intimidating, misleading, defamatory, and otherwise offensive (e.g. jokes, disparaging remarks, and inappropriate comments related to ethnicity, race, color, religion, sex, age, disability, or sexual orientation are prohibited).
- F. On duty use of cell phones to send text messages or electronic mail are expected to comply with department rules and policies including sexual harassment, discrimination, ethics, code of conduct, confidentiality, and workplace violence.
- G. Members are prohibited from accessing any pornographic material while on duty or while on City property.
- H. Members are prohibited from using hand-held cell phones while driving city vehicles. Operational necessity may require making or receiving a cell phone call, which should be facilitated by the use of hands-free technology and limited to non-emergency driving.
- I. Exceptions to this may be authorized by the officer-in-charge or incident commander.

Administrative Cell Phone & Camera Use Policy		1.2.1.11
Effective: 12/30/10	Review: 12/30/12	4 of 4

IV. Camera Use

- A. Members shall not be permitted to use cameras or other picture, video, or image generating devices – including cell phone cameras – while on duty without prior authorization from the officer-in-charge or incident commander. Exceptions are accident investigations and fire inspections/investigations.
- B. All on-scene photography shall be for documentation or investigation purposes only and conducted only at the direction or authorization of the officer-in-charge or incident commander.
- C. Any photographs containing individually identifiable information are covered by the HIPAA Privacy Rule and must be protected in the same manner as patient care reports and other such documentation. Any breaches to camera use involving a patient or any HIPAA related material must be directed to the Chesapeake Fire Department Privacy Officer.
- D. Any images taken by a member while on duty are solely the property of CFD and not the property of the individual member. This includes any image inadvertently taken with a member's personally owned cell phone camera or other digital imaging device.
- E. No images or videos taken by a member while on duty may be used, printed, copied, scanned, e-mailed, posted, shared or distributed in any manner without the express, written approval of Fire Chief, or designee.

Example: This prohibition includes posting photos or videos on web sites, such as FaceBook, YouTube, or MySpace, or on other public safety agency web sites, or e-mailing to friends, colleagues or others in the Fire/EMS industry.
- F. Members may not take or use images or videos to harass, embarrass, or annoy others. All department policies—including the department's policies on harassment, discrimination, and professional conduct—apply to images or videos taken.